

John Houston Scott, SBN 72578
Lizabeth N. de Vries, SBN 227215
SCOTT LAW FIRM
1388 Sutter Street, Suite 715
San Francisco, CA 94109
Tel: (415) 561-9601
Fax: (415) 561-9609
E-mail: john@scottlawfirm.net
liza@scottlawfirm.net

Izaak D. Schwaiger, SBN 267888
130 Petaluma Avenue, Suite 1A
Sebastopol, CA 95472
Tel: (707) 595-4414
Fax: (707) 581-1983
E-mail: izaak@izaakschwaiger.com

Attorneys for Plaintiff, DANE ZEEN

Bonnie A. Hamilton, SBN 180502
BLUESTONE ZUNINO & HAMILTON, LLP
50 Old Courthouse Square, Suite 401
Santa Rosa, CA 95402-3729
Tel: (707) 526-4250
Fax: (707) 526-0347
E-mail: bonnie@bzhlegal.com

Attorneys for Defendant,
MICHAEL YODER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANE ZEEN

Plaintiff,
v.

COUNTY OF SONOMA, STEVE FREITAS,
MICHAEL YODER, CHARLES BLOUNT,
and DOES 1-20, inclusive.

Defendants.

Case No: 3:17-cv-02056-LB

JOINT PRETRIAL ORDER

Date: August 2, 2018
Time: 1:00 p.m.
Courtroom: C, 15th Floor
Judge: The Honorable Laurel Beeler

Trial: August 20, 2018

1 **a) Claims and Defenses:**

2 The plaintiff claims he was subjected to excessive force, in violation of the Fourth Amendment,
3 after being handcuffed and taken into custody for psychiatric evaluation by Deputy Yoder. Deputy Yoder
4 denies this claim and denies that plaintiff's injuries were caused by a deprivation of plaintiff's
5 constitutional rights. Deputy Yoder also seeks qualified immunity.

6 **b) Relief Sought:**

7 The plaintiff seeks general, compensatory and punitive damages again Deputy Yoder.
8 Should he prevail the plaintiff also seeks costs and attorneys' fees.

9 **c) Undisputed Facts:**

10 Deputy Yoder was on duty and acting under color of state law at the time of the incident.

11 **d) Disputed Factual Issues:**

12 **1. Plaintiffs' Position:**

13 Did Deputy Yoder use excessive force, in violation of the Fourth Amendment, causing
14 injuries to the plaintiff? If so, did he act with malice or oppression?

15 **2. Defendants' Position:** Did Deputy Michael Yoder violate plaintiff's constitutional
16 right by overcoming plaintiff's resistance to effect the lawful detention of Plaintiff?

17 Was a constitutional deprivation the moving force or substantial factor in causing
18 damages to plaintiff?

19 Was plaintiff actually damaged by Deputy Yoder's conduct?

20 **e) Disputed Legal Issues:**

21 **1. Plaintiffs' Position:**

22 The plaintiff is not aware of any legal issue in dispute. This is a garden-variety excessive
23 force case and 9th Circuit Model Jury Instructions should apply.

24 **Defendant's Position:**

25 1. Is Deputy Yoder entitled to qualified immunity?

26 2. Is plaintiff barred from seeking compensatory damages which he failed to disclose in
27 discovery and through mandatory disclosures?
28

3. Does plaintiff's claim and evidence warrant bifurcation of punitive damages until and unless a finding of liability has first been adjudicated favorably for the plaintiff?

f) Stipulations:

Sonoma County Deputy Sheriff Michael Yoder was acting within the course and scope of employment and under color of law at the time of the incident.

g) Estimate Of Trial Time

The parties estimate the jury trial will require three days, exclusive of jury selection and deliberations.

h) Settlement Negotiations:

The parties attended an ENE conference in February 2018 as well as a settlement conference with Magistrate Judge Corley on June 1, 2018. It is unlikely further negotiations will be productive.

ATTACHMENTS TO PRETRIAL ORDER:

- (A) Signed stipulations
- (B) Joint Exhibit List
- (C)(1) Plaintiff's Separate Witness List
- (C)(2) Defendant's Separate Witness List
- (D) Joint Proposed Verdict Form
- (E) Defendant's Proposed Voir Dire Questions
- (F) Plaintiff's Proposed Jury Questionnaire

Dated: July 12, 2018

Respectfully submitted,

SCOTT LAW FIRM

By: /s/ John Houston Scott

John Houston Scott
Attorney for Plaintiff

1 Dated: July 12, 2018

LAW OFFICES OF IZAAK D. SCHWAIGER

2
3 By: /s/ Izaak D. Schwaiger

4 Izaak D. Schwaiger

5 Attorney for Plaintiff

6 Dated: July 12, 2018

BLUESTONE ZUNINO & HAMILTON, LLP

7
8 By: /s/ Bonnie A. Hamilton

9 Bonnie A. Hamilton

10 Attorney for Defendant

11 **ELECTRONIC CASE FILING ATTESTATION**

12 I, John Houston Scott, am the ECF user whose identification and password are being used
13 to file the foregoing documents. Pursuant to Civil Local Rule 5.1(i), I hereby attest that
14 concurrence in the filing of these documents has been obtained from each of its signatories.
15

16 Dated: July 12, 2018

SCOTT LAW FIRM

17
18 By: /s/ John Houston Scott

19 John Houston Scott

20 Attorneys for Plaintiff
21
22
23
24
25
26
27
28

**Attachment A- Signed Stipulations
(None)**

Attachment B – Joint Exhibit List

SCOTT LAW FIRM
1388 SUTTER STREET, SUITE 715
SAN FRANCISCO, CA 94109

John Houston Scott, SBN 72578
Lizabeth N. de Vries, SBN 227215
SCOTT LAW FIRM
1388 Sutter Street, Suite 715
San Francisco, CA 94109
Tel: (415) 561-9601
Fax: (415) 561-9609
E-mail: john@scottlawfirm.net
liza@scottlawfirm.net
Izaak D. Schwaiger, SBN 267888
130 Petaluma Avenue, Suite 1A
Sebastopol, CA 95472
Tel: (707) 595-4414
Fax: (707) 581-1983
E-mail: izaak@izaakschwaiger.com

Attorneys for Plaintiff, DANE ZEEN

Bonnie A. Hamilton, SBN 180502
BLUESTONE ZUNINO & HAMILTON, LLP
50 Old Courthouse Square, Suite 401
Santa Rosa, CA 95402-3729
Tel: (707) 526-4250
Fax: (707) 526-0347
E-mail: bonnie@bzhlegal.com

Attorneys for Defendant, MICHAEL
YODER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANE ZEEN

Plaintiff,

v.

COUNTY OF SONOMA, STEVE FREITAS,
MICHAEL YODER, CHARLES BLOUNT,
and DOES 1-20, inclusive.

Defendants.

Case No: 3:17-cv-02056-LB

JOINT EXHIBIT LIST

Date: August 2, 2018
Time: 1:00 p.m.
Courtroom: C, 15th Floor
Judge: The Honorable Laurel Beeler

Trial: August 20, 2018

SCOTT LAW FIRM
1388 SUTTER STREET, SUITE 715
SAN FRANCISCO, CA 94109

EXHIBIT NUMBER	Date Offered into Evidence	Date Admitted into Evidence	Sponsoring Witness	Limits on use	Description and Bates Range
1			Blount		Deputy Blount's body-worn camera audio/video of the incident (with transcript as proposed jury aid)
2			Yoder		Deputy Yoder's body-worn camera audio/video of the incident (with transcript as proposed jury aid)
3			Blount		Deputy Blount's body-worn camera audio-video at the hospital (with transcript as proposed jury aid)
4			Custodian of Record, Dane Zeen		Sonoma County Department of Health Services Behavioral Health Division Reports
5			Custodian of Record, Dane Zeen		Annadel Medical Group Report
6			Custodian of Record, Dane Zeen		St. Joseph Health System medical reports
7			Custodian of Record, Dane Zeen		Sutter Regional Hospital medical reports
8			Custodian of Record, Dane Zeen		Dr. Stein medical reports and x-rays
9			Custodian of Record, Dane Zeen		Dr. Streutker dental records
10			Custodian of Record, Dane Zeen		Dr. Chavez medical reports and x-rays
11			Dane Zeen		Photos of plaintiff's injuries

SCOTT LAW FIRM
1388 SUTTER STREET, SUITE 715
SAN FRANCISCO, CA 94109

12			Yoder		Photos identified by defendant
13			Yoder, LaRose		Diagrams to be agreed upon

SCOTT LAW FIRM
 1388 SUTTER STREET, SUITE 715
 SAN FRANCISCO, CA 94109

EXHIBIT NUMBER	Date Offered into Evidence	Date Admitted into Evidence	Sponsoring Witness	Limits on use	Description and Bates Range
101			Yoder		Sonoma County Sheriff Office Incident Report
102			Blount		Body Camera Video Blount (Incident only)
103			Yoder		Body Camera Video Yoder (Incident)
104			Stipulation or Zeen		PES records of Dane Zeen from 12/15/15-12/17/15
105			Yoder or Essick		CAD Incident Report
106			Schott		Michael Schott Report, declaration and all Attachments A through H
107			Zeen		Discovery Response: Dane Zeen Request for Admissions
108			Yoder		Use of Force Policy

Dated: July 12, 2018

Respectfully submitted,

SCOTT LAW FIRM

By: /s/John Houston Scott

John Houston Scott
 Attorneys for Plaintiff

SCOTT LAW FIRM
1388 SUTTER STREET, SUITE 715
SAN FRANCISCO, CA 94109

1 Dated: July 12, 2018

LAW OFFICES OF IZAAK D. SCHWAIGER

2
3 By: /s/Izaak D. Schwaiger

4 Izaak D. Schwaiger

5 Attorneys for Plaintiff

6 Dated: July 12, 2018

BLUESTONE ZUNINO & HAMILTON, LLP

7
8 By: /s/ Bonnie A. Hamilton

9 Bonnie A. Hamilton

10 Attorney for Defendant

11 **ELECTRONIC CASE FILING ATTESTATION**

12 I, John Houston Scott, am the ECF user whose identification and password are being used
13 to file the foregoing documents. Pursuant to Civil Local Rule 5.1(i), I hereby attest that
14 concurrence in the filing of these documents has been obtained from each of its signatories.
15

16 Dated: July 12, 2018

SCOTT LAW FIRM

17 By: /s/ John Houston Scott

18 John Houston Scott

19 Attorneys for Plaintiff
20
21
22
23
24
25
26
27
28

**Attachment C(1) – Plaintiff’s
Separate Witness List**

SCOTT LAW FIRM
1388 SUTTER STREET, SUITE 715
SAN FRANCISCO, CA 94109

ohn Houston Scott, SBN 72578
Lizabeth N. de Vries, SBN 227215
SCOTT LAW FIRM
1388 Sutter Street, Suite 715
San Francisco, CA 94109
Tel: (415) 561-9601
Fax: (415) 561-9609
E-mail: john@scottlawfirm.net
liza@scottlawfirm.net

Izaak D. Schwaiger, SBN 267888
130 Petaluma Avenue, Suite 1A
Sebastopol, CA 95472
Tel: (707) 595-4414
Fax: (707) 581-1983
E-mail: izaak@izaakschwaiger.com

Attorneys for Plaintiff, DANE ZEEN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANE ZEEN

Plaintiff,

v.

COUNTY OF SONOMA, STEVE FREITAS,
MICHAEL YODER, CHARLES BLOUNT,
and DOES 1-20, inclusive.

Defendants.

Case No: 3:17-cv-02056-LB

PLAINTIFF'S WITNESS LIST

Date: August 2, 2018
Time: 1:00 p.m.
Courtroom: C, 15th Floor
Judge: The Honorable Laurel Beeler

Trial: August 20, 2018

Plaintiff Dane Zeen submits the following witness list for case in chief witnesses:

Potential Witness	Subject of Testimony	Time estimate
Michael Yoder	The events of December 15, 2015	1 hour
Charles Blount	The events of December 15, 2015	1 hour
Timothy LaRose	The events of December 15, 2015; plaintiff's claims of injury	1 hour
Michelle LaRose	The events of December 15, 2015; plaintiff's claims of injury	1 hour
Dane Zeen	Plaintiff in the action	2 hours or less
Roger Clark	Expert analysis of the use of force event of December 15, 2015	1 hour
Robert Jarvis, D.D.S.	Dental history, care and observations related to plaintiff's injuries	30 minutes
David Smith, M.D.	Medical history, care and observations related to plaintiff's injuries	30 minutes
Donald Streutker, D.D.S.	Dental history, care and observations related to plaintiff's injuries	30 minutes
Stephen Crane, M.D.	Medical history, care and observations related to plaintiff's injuries	30 minutes
Vicente Chavez, D.D.S.	Dental care and observations related to plaintiff's injuries	30 minutes

Potential Witness	Subject of Testimony	Time estimate
Sue Kessner	Psychological care and observations related to plaintiff's injuries	30 minutes
Custodian of Medical/Dental Records as necessary	N/A	5 minutes

Dated: July 12, 2018

Respectfully submitted,

SCOTT LAW FIRM

By: /s/John Houston Scott

John Houston Scott

Attorneys for Plaintiff

Dated: July 12, 2018

LAW OFFICES OF IZAAK D. SCHWAIGER

By: /s/Izaak D. Schwaiger

Izaak D. Schwaiger

Attorneys for Plaintiff

SCOTT LAW FIRM
1388 SUTTER STREET, SUITE 715
SAN FRANCISCO, CA 94109

**Attachment C(2) – Defendant’s
Separate Witness List**

Bonnie A. Hamilton, Esq. (SB 180502)
 BLUESTONE ZUNINO & HAMILTON, LLP
 50 Old Courthouse Square, Suite 401
 Santa Rosa, CA 95404
 Telephone: 707-526-4250
 Facsimile: 707-526-0347
bonnie@bzhlegal.com

Attorneys for Defendant Michael Yoder

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANE ZEEN,

No. 3:17-cv-02056 LB

Plaintiff,

v.

**DEFENDANT MICHAEL YODER'S
 WITNESS LIST**

COUNTY OF SONOMA, STEVE
 FREITAS, MICHAEL YODER, CHARLES
 BLOUNT, and DOES 1-20, inclusive,

Defendants.

Defendant Michael Yoder submits the following witness list for case in chief witnesses:

Potential Witness	Subject of Testimony	Time estimate
Sonoma County Sheriff's Deputy Charles Blount	The events of December 15, 2015 giving rise to this action	1 hour or less
Dane Zeen	Plaintiff in the action	2 hours or less
Timothy LaRose	The events of December 15, 2015; plaintiff's claims of injury	1 hour
Michael Schott	Expert opinion and exhibits relative to the body worn camera videos and all subjects contained in declaration [Docket 53] and expert report	1.5 hours

Potential Witness	Subject of Testimony	Time estimate
Sonoma County Sheriff's Deputy Michael Yoder	The events of December 15, 2015 giving rise to this action	2 hours or less
Michelle LaRose	The events of December 15, 2015; plaintiff's claims of injury	.5 hours
Mark Essick	Verification of Discovery Responses; department response to claim of use of force	.5 hours
Shannon Deller	Statements made to law enforcement and by plaintiff	.5 hours

DATED: July 12, 2018

BLUESTONE ZUNINO & HAMILTON, LLP

By /s/ Bonnie A. Hamilton
Bonnie A. Hamilton
Attorneys for Defendant Michael Yoder

Attachment D – Joint Proposed Verdict Form



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No.: 3:17-cv-02056 LB

JOINT PROPOSED VERDICT FORM

We, the jury in the above entitled action, find the following special verdict on the questions submitted to us:

42 USC Section 1983—EXCESSIVE FORCE

Question No. 1: Do you find, by a preponderance of the evidence, that defendant Yoder used excessive and unnecessary force against plaintiff Zeen?

Yes

No

If you answered “No” to Question No. 1, then SKIP QUESTIONS 2 through 3 and date and sign this verdict form.

If you answered “Yes” to Question No. 1, then go to Question No. 2.

Question No. 2: Do you find, by a preponderance of the evidence, that the excessive force by defendant Yoder was the cause of injury or damage to plaintiff Zeen?

Yes

No

1 If you answered "No" to Question No. 2, then SKIP QUESTION 3 and date and sign this verdict
2 form.

3 If you answered "Yes" to Question No. 2, then go to Question No. 3.

4
5 **Question No. 3:** Please state the amount of damages to be awarded to plaintiff Zeen as a result of
6 the damages caused by defendant Yoder.
7

8 \$ _____

9 * * * *

10 Please have the Foreperson date and sign this verdict, and return it to the Bailiff.

11 Dated: _____
12 _____
13 Foreperson
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

John Houston Scott, SBN 72578
 Lizabeth N. de Vries, SBN 227215
SCOTT LAW FIRM
 1388 Sutter Street, Suite 715
 San Francisco, CA 94109
 Tel: (415) 561-9601
 Fax: (415) 561-9609
 E-mail: john@scottlawfirm.net
liza@scottlawfirm.net

Izaak D. Schwaiger, SBN 267888
 130 Petaluma Avenue, Suite 1A
 Sebastopol, CA 95472
 Tel: (707) 595-4414
 Fax: (707) 581-1983
 E-mail: izaak@izaakschwaiger.com

Attorneys for Plaintiff, DANE ZEEN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANE ZEEN

Plaintiff,

v.

COUNTY OF SONOMA, STEVE FREITAS,
 MICHAEL YODER, CHARLES BLOUNT,
 and DOES 1-20, inclusive.

Defendants.

Case No: 3:17-cv-02056-LB

**PLAINTIFF'S PROPOSED VERDICT
 FORM RE: PUNITIVE DAMAGES**

Date: August 2, 2018
 Time: 1:00 p.m.
 Courtroom: C, 15th Floor
 Judge: The Honorable Laurel Beeler

Trial: August 20, 2018

SCOTT LAW FIRM
1388 SUTTER STREET, SUITE 715
SAN FRANCISCO, CA 94109

1 1. Do you believe by a preponderance of the evidence that Defendant Yoder's
2 conduct that harmed the plaintiff was malicious, oppressive or in reckless disregard of the
3 Plaintiff's rights? Yes ____ / No ____

4 If you answered "yes" then go to Question No. 2.

5 2. Please state the amount of punitive damages to be awarded the
6 plaintiff. \$ ____.

9 Dated: July 12, 2018

Respectfully submitted,

SCOTT LAW FIRM

12 By: /s/John Houston Scott

13 John Houston Scott

14 Attorneys for Plaintiff

15 Dated: July 12, 2018

LAW OFFICES OF IZAAK D. SCHWAIGER

17 By: /s/Izaak D. Schwaiger

18 Izaak D. Schwaiger

19 Attorneys for Plaintiff

Bonnie A. Hamilton, Esq. (SB 180502)
 BLUESTONE ZUNINO & HAMILTON, LLP
 50 Old Courthouse Square, Suite 401
 Santa Rosa, CA 95404
 Telephone: 707-526-4250
 Facsimile: 707-526-0347
bonnie@bzhlegal.com

Attorneys for Defendant Michael Yoder

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DANE ZEEN,

Case No.: 3:17-cv-02056 LB

Plaintiff,

**DEFENDANT MICHAEL YODER'S
 PROPOSED PHASE TWO VERDICT
 FORM**

v.

COUNTY OF SONOMA, STEVE
 FREITAS, MICHAEL YODER,
 CHARLES BLOUNT, and DOES 1-20,
 inclusive,

Pretrial Date: August 2, 2018
 Time: 1:00 p.m.
 Ctrm: C, 15th Floor
 Trial: August 20, 2018

Defendants.

Defendant Michael Yoder submits the following proposed verdict form should the Court punitive damages be decided in this case:

1. Do you find by clear and convincing evidence that Defendant Yoder's conduct was malicious, oppressive or in reckless disregard of the Plaintiff's known federal constitutional rights?

Yes ___ / No ___

If you answered "yes" then go to Question No. 2.

2. Please state the amount of punitive damages to be awarded the plaintiff. \$ _____

DATED: July 12, 2018

BLUESTONE ZUNINO & HAMILTON, LLP

By /s/ Bonnie A. Hamilton

Bonnie A. Hamilton

Attorneys for Defendant Michael Yoder

Attachment E – Defendant’s Proposed Voir Dire Questions

Bonnie A. Hamilton, Esq. (SB 180502)
 BLUESTONE ZUNINO & HAMILTON, LLP
 50 Old Courthouse Square, Suite 401
 Santa Rosa, CA 95404
 Telephone: 707-526-4250
 Facsimile: 707-526-0347
bonnie@bzhlegal.com

Attorneys for Defendant Michael Yoder

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANE ZEEN,

No. 3:17-cv-02056 LB

Plaintiff,

v.

**DEFENDANT MICHAEL YODER'S
 PROPOSED ADDITIONAL VOIR DIRE**

COUNTY OF SONOMA, STEVE
 FREITAS, MICHAEL YODER, CHARLES
 BLOUNT, and DOES 1-20, inclusive,

Defendants.

Defendant Michael Yoder submits the following additional voir dire questions to be posed to prospective jurors. Plaintiff is proposing a juror questionnaire, which defendant does not believe is necessary or expeditious for jury selection in this case, and proposes these questions be asked by the Judge in addition to the regular court-conducted voir dire. Plaintiff has not objected to any of these questions but has indicated he prefers a juror questionnaire.

1. Have you, any family member, close friends or anyone with whom you have had a significant personal relationship ever worked for a public or governmental entity? If yes, what is the name of the public entity? When and for how long did you (they) work there? What were your (their) job responsibilities?

2. Have you, any family member, close friends or anyone with whom you have had a significant personal relationship ever worked in law enforcement? When? For what department?

1 What was your (their) title? What were your (their) responsibilities or duties? How long did you
2 (they) work in the law enforcement field? Why did you (they) leave the law enforcement field?

3 3. Have you, any family member, close friends or anyone with whom you have had a
4 significant personal relationship ever worked in the medical or mental health care field? What was
5 your (their) education and training? What position did you (they) hold? What were your
6 responsibilities? When were you (they) employed? By whom?

7 4. Have you, any family member or anyone with whom you have had a significant
8 personal relationship ever served in the military? What branch? When did you (they) serve? What
9 rank did you (they) achieve?

10 5. Have you, any family member, close friend or anyone with whom you have had a
11 significant personal relationship ever had any interaction or encounter with any law enforcement
12 agency, other than minor traffic infractions? When? What agency or department? Please briefly
13 describe the experience or encounter? Do you or did they have any negative feelings about the
14 encounter or experience?

15 6. Have you, any family member, close friends or anyone with whom you have had a
16 significant personal relationship ever had criminal charges filed against you, other than for motor
17 vehicle violations? If your answer is yes, when and under what circumstances? Where you (they) in
18 jail at any point in time? How did you (they) believe they were treated while in jail? How was the
19 matter resolved, i.e., a plea of guilty or no contest, dismissed, finding of guilt, or a finding of not
20 guilty? How did you (they) believe they were treated by the criminal justice system?

21 7. Have you ever witnessed any acts by law enforcement which you considered to be
22 inappropriate or improper? What were those acts and how did you react?

23 8. Do you have strong feelings one way or the other about law enforcement? If so,
24 describe those feelings.

25 9. What is your immediate reaction when you hear that someone is accusing the police of
26 excessive force? Do you tend to believe or disbelieve the charges?

27 10. Have you specifically read or heard any news articles or reports concerning law
28 enforcement or corrections in Sonoma County? When? When and under what circumstances? Did

1 the articles or news reports create any feelings or impressions in your mind? What were they?

2 11. Have you, any family member, close friends or anyone with whom you have had a
3 significant personal relationship ever filed a lawsuit, including worker's compensation, or been sued?
4 If yes, who filed the lawsuit and when? What was the lawsuit about and who was sued? What was
5 the result of the suit? Was it disposed of by arbitration? settlement? verdict? or otherwise? What
6 were your impressions about the legal process? About the lawyers involved?

7 12. Have you, any family member, close friends or anyone with whom you have had a
8 significant personal relationship ever been a member of any group or organization whose purpose is
9 to oversee government activities at any level so that citizens' rights are protected? When were you
10 involved? As a participant, what did you do?

11 13. One task of the jury will be to evaluate the credibility of each witness. The witnesses
12 in this case will include both law enforcement officers and civilians. Will you be inclined to treat
13 testimony from law enforcement officers on a different standard than testimony from
14 civilians?

15 14. If the jury concludes that the defendant is liable, would you feel any reluctance for
16 religious, moral, or other personal reasons to award money damages to compensate plaintiff for any
17 injuries or losses that are proved?

18 15. If the evidence provides a legal basis for awarding punitive damages, would you feel
19 any reluctance, for religious, moral, or other personal reasons, to award punitive damages in this
20 case?

21
22 DATED: July 11, 2018 BLUESTONE ZUNINO & HAMILTON, LLP

23 By /s/ Bonnie A. Hamilton
24 Bonnie A. Hamilton
25 Attorneys for Defendant Michael Yoder
26
27
28

Attachment F – Plaintiff’s Proposed Jury Questionnaire

JUROR QUESTIONNAIRE FOR CIVIL CASES

Code of Civil Procedure Section 205(c)-(d)

Sec. 1. Statutory Authority

This Juror Questionnaire has been drafted under the authority of Code of Civil Procedure section 205(c)-(d) and is intended to expedite jury selection. It is not intended to alter statutes or rules governing the authority of the court or the role of counsel during voir dire.

Sec. 2. Use Notes for Courts

A. General

This Juror Questionnaire is intended for use in the court's discretion in appropriate civil cases. Its use in cases of brief duration may not be appropriate. Particular kinds of cases may require that this questionnaire be altered or augmented. The Personal Injury Supplement is intended to be used along with the General Questions in personal injury actions. Judges, in their own discretion, must determine what additional kinds of inquiry are appropriate in any given case.

B. Pre-Voir Dire Conference

The court should confer with counsel about voir dire before a jury panel is called. At this conference, the court may establish (1) guidelines for the use of the Juror Questionnaire, (2) any supplemental questions to be propounded to the panel by questionnaire, (3) the extent of the court's oral inquiry of the panel, and (4) the extent of oral questioning by counsel. Proposed supplemental questions drafted by counsel should be filed and served at least three court days before the pre-voir dire conference. Arrangements for duplication of completed questionnaires should be confirmed. The parties should share the cost of duplication.

C. Introduction of Questionnaire to Prospective Jurors

It is suggested that the Juror Questionnaire be used after the court has given its customary introductory remarks and any additional instructions that the court deems appropriate. The court also may wish to tell the panel members that a questionnaire will be used, to encourage complete answers, and to remind them that their answers will be given under penalty of perjury. In introducing the questionnaire, the court should instruct prospective jurors how to proceed if they have difficulty reading or filling out the form.

The court could direct that the Juror Questionnaire be given to prospective jurors by the jury commissioner in the jury assembly room. However, this procedure ordinarily will mean that jurors are not given complete instructions about the type of case they will hear or the identity of participants and witnesses. In addition, jurors who fill out the form before appearing in the trial court may not clearly understand that their answers are given under penalty of perjury. For these reasons, and to avoid the need to have jurors fill out supplemental questionnaires once they have been sent to the trial court, it is strongly recommended that the Juror Questionnaire be used in the trial court setting.

JUROR QUESTIONNAIRE FOR CIVIL CASES

Introduction and Instructions

Thank you for coming to court as a potential juror. Before the case can start, a jury must be selected. The judge and the people involved in the case need to know something about you in order to select jurors who can be fair to both sides.

Everyone has attitudes and opinions that are shaped by their life experiences. Sometimes these experiences can make it difficult to look at a certain issue in an unbiased and unemotional way. As a juror, you must return a verdict based on the law and on the facts proved in court, not on emotion or on other views not supported by the evidence. The judge will give you instructions on the law and on how you should go about deciding the case. You must listen to and follow the judge's instructions.

The questions on this form are designed to help the court and the lawyers learn something about your background and your views on issues that may be related to this case. The questions are asked not to invade your privacy, but to make sure that you can be a fair and impartial juror. If there is any reason why you might not be able to give both sides a fair trial in this case, it is important that you say so.

The judge has decided to use this form to save time and to give you a chance to tell the court and the lawyers about yourself.

In portions of this form, you will see the term "significant personal relationship." That term means a former spouse, domestic partner, life partner, or anyone with whom you have an influential or intimate relationship that you would characterize as important.

If there is anything you do not want to talk about in open court, please circle the question number. After you have finished the questionnaire, let the clerk know that you have circled one or more question numbers.

Do not write on the back of any page. Use an additional sheet of paper.

If you are called to the jury box, your answers to this questionnaire become a matter of public record, just as if you had answered the questions aloud in the courtroom.

If you have trouble reading, understanding, or filling out this form, please let the court clerk know.

**PLEASE REMEMBER THAT YOU ARE ANSWERING THESE QUESTIONS
UNDER PENALTY OF PERJURY. YOUR ANSWERS MUST BE TRUE AND
COMPLETE. THANK YOU FOR YOUR HELP IN SELECTING A FAIR JURY.**

JUROR QUESTIONNAIRE FOR CIVIL CASES

General Questions

PLEASE PRINT ALL ANSWERS LEGIBLY

FULL NAME: _____

1.1 DATE AND PLACE OF BIRTH: _____

1.2 AREA, NEIGHBORHOOD, OR COMMUNITY IN THIS COUNTY WHERE YOU CURRENTLY LIVE
(DO NOT GIVE YOUR ADDRESS):

☐ HOUSE ☐ APARTMENT ☐ OWN ☐ RENT

1.3 AREA, NEIGHBORHOOD, OR COMMUNITY WHERE YOU HAVE LIVED IN THE PAST 10 YEARS (AND DATES):

1.4 WHAT IS THE HIGHEST LEVEL OF EDUCATION YOU COMPLETED?

☐ GRADE SCHOOL OR LESS

☐ SOME COLLEGE
(MAJOR): _____

☐ SOME HIGH SCHOOL

☐ HIGH SCHOOL GRADUATE

☐ COLLEGE GRADUATE
(MAJOR): _____

☐ OTHER (PLEASE EXPLAIN):

☐ POSTGRADUATE STUDY
(MAJOR): _____

☐ TECHNICAL, VOCATIONAL, OR BUSINESS SCHOOL
(MAJOR): _____

1.5 IF YOU PLAN TO ATTEND OR ARE CURRENTLY ATTENDING SCHOOL, DESCRIBE:

1.6 IF YOU HAVE TAKEN ANY COURSES OR HAD ANY TRAINING IN MEDICINE OR OTHER HEALTH CARE FIELD,
DESCRIBE:

1.7 IF YOU HAVE TAKEN ANY COURSES OR HAD ANY TRAINING IN LAW OR A RELATED SUBJECT, DESCRIBE:

1.8 EDUCATIONAL BACKGROUND OF ANY OTHER ADULT WHO LIVES IN YOUR HOME, INCLUDING ANY DEGREES OR CERTIFICATES EARNED:

1.9 YOUR PRESENT EMPLOYMENT STATUS (CHECK ALL THAT APPLY):

<input type="checkbox"/> EMPLOYED FULL-TIME	<input type="checkbox"/> RETIRED	<input type="checkbox"/> UNEMPLOYED, LOOKING FOR WORK
<input type="checkbox"/> EMPLOYED PART-TIME	<input type="checkbox"/> STUDENT	<input type="checkbox"/> UNEMPLOYED, NOT LOOKING FOR WORK
<input type="checkbox"/> HOMEMAKER		

1.10 YOUR CURRENT OR MOST RECENT OCCUPATION:

1.11 NAME OF YOUR CURRENT OR MOST RECENT EMPLOYER OR, IF A STUDENT, YOUR SCHOOL:

1.12 WHAT ARE YOUR SPECIFIC DUTIES AND RESPONSIBILITIES ON THE JOB?

1.13 DOES YOUR JOB INVOLVE SUPERVISING OTHER PEOPLE? ☐ YES ☐ NO

IF YES, APPROXIMATELY HOW MANY?

1.14 ARE YOU INVOLVED IN THE HIRING OR FIRING OF OTHER EMPLOYEES? ☐ YES ☐ NO

1.15 ARE YOU INVOLVED IN EVALUATING THE JOB PERFORMANCE OF OTHER EMPLOYEES? ☐ YES ☐ NO

1.16 ALL OTHER EMPLOYMENT YOU HAVE HAD (AND FOR HOW LONG):

1.17 ALL FULL-TIME EMPLOYMENT OF YOUR SPOUSE OR ANY PERSON WITH WHOM YOU HAVE A SIGNIFICANT PERSONAL RELATIONSHIP (AND FOR HOW LONG):

1.18 WHAT ARE/WERE THE OCCUPATIONS OF YOUR PARENTS? (IF RETIRED, WHAT DID THEY DO BEFORE?)

MOTHER:

FATHER:

1.19 IF YOU HAVE CHILDREN, PLEASE LIST (INCLUDING ANY CHILDREN WHO DO NOT CURRENTLY LIVE WITH YOU):

<u>SEX</u>	<u>AGE</u>	<u>DOES CHILD LIVE WITH YOU?</u>	<u>EDUCATION</u>	<u>OCCUPATION</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

1.20 IF YOU OR YOUR CURRENT SPOUSE OR PERSON WITH WHOM YOU HAVE A SIGNIFICANT PERSONAL RELATIONSHIP HAS EVER SERVED IN THE MILITARY, PLEASE LIST FOR EACH THE BRANCH OF SERVICE AND DATES OF SERVICE:

1.21 WHAT SOCIAL, CIVIC, PROFESSIONAL, TRADE, OR OTHER ORGANIZATIONS ARE YOU AFFILIATED WITH?

1.22 DESCRIBE ANY OFFICES YOU HAVE HELD IN ORGANIZATIONS LISTED ABOVE:

1.23 DO YOU KNOW ANYONE ON THIS JURY PANEL?

1.24 ON HOW MANY CASES HAVE YOU SERVED ON A JURY?

WHERE DID YOU SERVE ON A JURY? _____

WHAT KINDS OF CASES DID YOU HEAR WHILE SERVING ON A JURY? _____

IN HOW MANY OF THOSE CASES DID THE JURY REACH A VERDICT? _____

IN HOW MANY OF THOSE CASES DID YOU SERVE AS THE JURY FOREPERSON? _____

WAS YOUR JURY SERVICE A POSITIVE OR NEGATIVE EXPERIENCE? _____

1.25 IF YOU HAVE EVER BEEN TO COURT FOR ANY OTHER REASON (EXCLUDING DIVORCE), EXPLAIN:

1.26 IF YOU PERSONALLY KNOW ANY JUDGES OR ATTORNEYS OR COURT PERSONNEL, WHAT ARE THEIR NAMES AND RELATIONSHIP TO YOU?

1.27 DESCRIBE ANY PROBLEMS (VISION, HEARING, OR OTHER MEDICAL PROBLEMS) THAT MAY AFFECT YOUR JURY SERVICE:

1.28 IF YOU OR ANYONE CLOSE TO YOU HAS EVER MADE ANY TYPE OF CLAIM FOR DAMAGES, EXPLAIN:

1.29 IF A CLAIM FOR MONEY DAMAGES HAS EVER BEEN MADE AGAINST YOU OR ANYONE CLOSE TO YOU, EXPLAIN THE CIRCUMSTANCES:

1.30 IF YOU OR ANYONE CLOSE TO YOU HAS EVER SUED OR BEEN SUED IN ANY TYPE OF LAWSUIT, EXPLAIN:

1.31 DO YOU FEEL THAT MONEY DAMAGES AWARDED IN LAWSUITS ARE (CHECK ONE):

<input type="checkbox"/> EXCESSIVE	<input type="checkbox"/> OCCASIONALLY TOO LOW
<input type="checkbox"/> OFTEN TOO LARGE	<input type="checkbox"/> OFTEN TOO LOW
<input type="checkbox"/> ABOUT RIGHT	<input type="checkbox"/> OTHER (SPECIFY): <hr/>

1.32 IF YOU HAVE ANY ETHICAL, RELIGIOUS, POLITICAL, OR OTHER BELIEFS THAT MAY PREVENT YOU FROM SERVING AS A JUROR, EXPLAIN:

1.33 IF THERE IS ANY MATTER NOT COVERED BY THIS QUESTIONNAIRE THAT COULD AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR, EXPLAIN:

JUROR QUESTIONNAIRE FOR CIVIL CASES

Personal Injury Supplement

FULL NAME: _____

- 2.1 IF YOU OR ANYONE CLOSE TO YOU HAS EVER BEEN INVOLVED IN AN ACCIDENT IN WHICH SOMEONE WAS INJURED, EXPLAIN:**

- 2.2 PLACE A CHECK MARK ON THE APPROPRIATE LINE(S) IF YOU OR ANYONE CLOSE TO YOU HAS EVER BEEN EMPLOYED IN ANY CAPACITY BY ANY OF THE FOLLOWING TYPES OF BUSINESSES:**

YOURSELF

OTHER PERSON

_____	_____	ANY COURT IN THE STATE OF CALIFORNIA
_____	_____	ATTORNEY, LAW FIRM, OR LAW OFFICE
_____	_____	CLAIMS ADJUSTMENT, EVALUATION, REVIEW, SETTLEMENT, OR INVESTIGATION
_____	_____	ACCIDENT INVESTIGATION OR LAW ENFORCEMENT
_____	_____	DISABILITY, HEALTH, LIFE, CASUALTY, OR ACCIDENTAL INJURY BENEFITS OR PROGRAMS
_____	_____	ECONOMICS, ACTUARIAL, OR INVESTMENTS
_____	_____	HEALTH CARE DOCTOR, NURSING, HOSPITAL, DENTAL, PHYSICAL THERAPY, PHARMACY, OR ANY RELATED FIELD

- 2.3 IF YOU CHECKED ANY LINE IN THE PREVIOUS QUESTION (2.2), PLEASE STATE THE RELATIONSHIP OF THAT PERSON TO YOU, THE TYPE AND DETAILS OF THAT EMPLOYMENT, AND THE YEARS OF THAT EMPLOYMENT:**

- 2.4 DO YOU HAVE ANY BELIEFS AGAINST AWARDED DAMAGES FOR PERSONAL INJURY, PAIN, OR SUFFERING?**

☐ YES ☐ NO

IF YES, EXPLAIN:

- 2.5 DO YOU OR ANY MEMBERS OF YOUR IMMEDIATE FAMILY OR HOUSEHOLD SEE A DOCTOR OR OTHER MEDICAL PRACTITIONER REGULARLY FOR ANY CONTINUING MEDICAL PROBLEM?** ☐ YES ☐ NO

IF YES, EXPLAIN:

JUROR QUESTIONNAIRE FOR CIVIL CASES

Verification

I, _____, DECLARE UNDER PENALTY OF PERJURY
(PRINT NAME)
UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING RESPONSES I HAVE GIVEN ON THIS
JUROR QUESTIONNAIRE, AND ON ANY ATTACHED SHEETS, ARE TRUE AND CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF.

.....
(DATE)

(SIGNATURE)